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Hon. Colleen McMahon, Chief Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2250
New York, NY 10007

VIA ECF

Re: *U.S. Security Holdings, Inc. et al. v. Randy Andrews*, Case No. 1:19-cv-8025
(CM)

Dear Chief Judge McMahon:

We write on behalf of Plaintiffs, U.S. Security Holdings, Inc. and U.S. Security Associates Holdings, Inc., in opposition to Defendant Randy Andrews' letter motion, filed on August 25, 2020, whereby Defendant requested the Court to stay the briefing schedule of Plaintiffs' motion for summary judgment or, in the alternative, to stay the briefing schedule until the Court ruled on his letter motion. Defendant also requested, in the alternative, that the Court grant a fourteen-day extension of the deadline for Defendant's response to Plaintiffs' motion for summary judgment. As explained by email to Defendant's counsel, Plaintiffs do not oppose the extension sought so long as Plaintiffs are likewise granted the same extension for their response to Defendant's omnibus motion and the deadlines for the opposition and reply briefs remained staggered, as they are under the current briefing schedule.

Defendant's request for a stay is pure gamesmanship, designed by the Defendant only to further delay the Court in reaching the merits of this case, which has been pending and actively litigated in this Court for nearly a year. Since Plaintiffs' Complaint was filed, on July 15, 2019, and transferred by Defendant to this Court on August 28, 2019, the Defendant has failed for nearly a year to file any motion, whatsoever. Indeed, Defendant only filed the omnibus motion *after* Plaintiffs filed their Motion for Summary Judgment, three days later on August 6, 2020 (Dkt. No. 24). This omnibus motion – raising a plethora of arguments lacking basis in law and/or fact – is a delaying tactic; its very purpose is to avoid the entry of summary judgment against Defendant on a simple, straightforward breach of contract claim. A stay of the briefing schedule for Plaintiffs' motion for summary judgment simply plays into Defendant's goal. It is, furthermore, a sudden change in tactics, inconsistent with the parties' joint

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request, filed by Defendant only two weeks ago, that Plaintiffs' Motion for Summary Judgment and Defendant's omnibus motion be heard at the same time (Dkt. No. 28).

With respect to Defendant's request for an additional fourteen-day extension of his response to Plaintiffs' Motion for Summary Judgment, Plaintiffs were surprised to see Defendant's hasty request for the Court's intervention. Defendant's counsel asked for Plaintiffs' consent to the extension on the afternoon of this past Sunday, August 23, 2020. The next day, Plaintiffs' counsel informed Defendant's counsel that he could confirm the following day of Plaintiffs' consent to the extension so long as the briefing schedule continued to stagger the deadlines for the opposition and reply briefs, e.g. the deadline for Defendant's opposition to Plaintiffs' Motion for Summary Judgment continues to be set for a different day from Plaintiffs' opposition to Defendant's omnibus motion, and the deadline for Plaintiffs' reply to Defendant's opposition to Plaintiffs' Motion for Summary Judgment continues to be set for a different day than Defendant's reply to Plaintiff's opposition to Defendant's omnibus motion. Defendant's counsel responded later that night, stating, incorrectly, that the Court had set the same deadlines for opposition and reply briefs when, in fact, the Court had set different days for the opposition and reply briefs to be filed (Dkt. No. 28). The next day, Defendant filed his letter motion. In any event, Plaintiffs consent to Defendant's request for an additional extension of time, so long as Plaintiffs are provided the same fourteen-day extension for their response to Defendant's omnibus motion.

Accordingly, Plaintiffs have no objection to the following briefing schedule:

Regarding Plaintiffs' Motion for Summary Judgment: Defendant's opposition papers extended to September 14, 2020 and Plaintiffs' reply papers extended to September 28, 2020.

Regarding Defendant's Motion to Dismiss, Transfer, or Stay: Plaintiffs' opposition papers extended to September 17, 2020 and Defendant's reply papers extended to October 1, 2020.

Respectfully submitted,

/s/ Noah M. Weissman,

Noah Weissman